

Fiscal Note

State of Alaska
2021 Legislative Session

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| Bill Version: | CSSSHB 5(STA) |
| Fiscal Note Number: | 2 |
| (H) Publish Date: | 5/6/2021 |

Identifier: HB5-DOA-PDA-3-23-21
Title: SEXUAL ASSAULT; DEF. OF "CONSENT"
Sponsor: TARR
Requester: (H)STA

Department: Department of Administration
Appropriation: Legal and Advocacy Services
Allocation: Public Defender Agency
OMB Component Number: 1631

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

| | FY2022 Appropriation Requested | Included in Governor's FY2022 Request | Out-Year Cost Estimates | | | | |
|------------------------|--------------------------------------|--|-------------------------|---------|---------|---------|---------|
| OPERATING EXPENDITURES | FY 2022 | FY 2022 | FY 2023 | FY 2024 | FY 2025 | FY 2026 | FY 2027 |
| Personal Services | *** | | *** | *** | *** | *** | *** |
| Travel | | | | | | | |
| Services | | | | | | | |
| Commodities | | | | | | | |
| Capital Outlay | | | | | | | |
| Grants & Benefits | | | | | | | |
| Miscellaneous | | | | | | | |
| Total Operating | *** | 0.0 | *** | *** | *** | *** | *** |

Fund Source (Operating Only)

| | | | | | | | |
|--------------|-----|------------|-----|-----|-----|-----|-----|
| None | | | | | | | |
| Total | *** | 0.0 | *** | *** | *** | *** | *** |

Positions

| | | | | | | | |
|-----------|--|--|--|--|--|--|--|
| Full-time | | | | | | | |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

Change in Revenues

| | | | | | | | |
|--------------|------------|------------|------------|------------|------------|------------|------------|
| None | | | | | | | |
| Total | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimated SUPPLEMENTAL (FY2021) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2022) cost: 0.0 (separate capital appropriation required)

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

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Approved By: Leslie Isaacs, Administrative Services Director
Agency: Office of Management & Budget

Phone: (907)334-4414
Date: 03/23/2021 12:30 PM
Date: 03/23/21

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2021 LEGISLATIVE SESSION**Analysis**

This bill changes the definition of consent as it relates to sex assault allegations and changes the classification and definition of sexual abuse against a minor. This change to the way sexual assault is defined will have significant impacts on the way sexual assault cases are litigated. When litigating these cases there will be increased scrutiny and focus on the conduct of complainants and whether the nuances of their words and actions indicate agreement. This could lead to an increase in case related costs.

Cases, like sexual assault cases, with increased penalties and higher charging levels require more litigation throughout all stages of litigation, but particularly increase jury trials, contested hearings, and post-conviction litigation. Both the resources needed to litigate these cases, and the associated workload, can be expected to increase with this statutory change. The Public Defender Agency is unable to predict the extent of that increase and therefore, submits an indeterminate fiscal note.